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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAI'I

HAWAI'I WILDLIFE FUND, a) CIVIL NO. 12-00198 SOM KJM
Hawai'i non-profit corporation,)
SIERRA CLUB - MAUI GROUP, a	) PLAINTIFFS' MOTION FOR
non-profit corporation, SURFRIDER	) AWARD OF ATTORNEYS' FEES
FOUNDATION, a non-profit	) AND COSTS; MEMORANDUM IN
corporation, and WEST MAUI	) SUPPORT; CERTIFICATE OF
PRESERVATION ASSOCIATION, a	) COMPLIANCE; DECLARATION OF
Hawai'i non-profit corporation,	) DAVID L. HENKIN; DECLARATION
	) OF ISAAC H. MORIWAKE;
Plaintiffs,	) DECLARATION OF JANETTE K.
	) BRIMMER; DECLARATION OF
v.	) SCOTT L. NELSON;
	) DECLARATION OF SAMBHAV
COUNTY OF MAUI,	) SANKAR; DECLARATION OF
	) JEFFREY L. FISHER;
Defendant.	) DECLARATION OF THOMAS C.
	) GOLDSTEIN; DECLARATION OF
	) MAHESH CLEVELAND; EXHIBITS
	) 1-39
)
	) <u>Non-Hearing Motion</u>
)
	) <u>Judge:</u> Hon. Kenneth J. Mansfield

PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54.2, Plaintiffs Hawai'i Wildlife Fund, Sierra Club – Maui Group, Surfrider Foundation, and West Maui Preservation Association, through their counsel Earthjustice, hereby move for an award of their “costs of litigation (including reasonable attorney and expert witness fees)” for their successful litigation in the United States Supreme Court and in this Court on remand. 33 U.S.C. § 1365(d). As of today's date, the costs of litigation that Plaintiffs seek total \$1,056,255.57, including reasonable attorneys' fees in the amount of \$984,643.30 and nontaxable costs in the amount of \$71,612.27.

This motion is based on the pleadings and other papers on file herein, the memorandum, declarations, and exhibits attached hereto, and such other matters as may be presented to the Court.

Dated: Honolulu, Hawai'i, September 27, 2021.

/s/ David L. Henkin

David L. Henkin
Mahesh Cleveland
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Attorneys for Plaintiffs